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Time: _____

Coversheet + 2 Page(s)

RECIPIENT(S)

FAX NO.

- 1) Linda Beasley
- 2) _____
- 3) _____
- 4) _____

312/353-9176

CLIENT NAME: _____

NAME OF SENDER: Charles M. DentonIF PROBLEM SENDING, CONTACT: Alice Zemaitis/Nancee HolzgenCOMMENTS: _____

PLEASE CALL (616) 336-6000 EXTENSION 5682 IF YOU HAVE DIFFICULTY RECEIVING THIS FACSIMILE.

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CHARLES M. DENTON
ADMITTED IN MICHIGAN AND INDIANA

DIRECT DIAL 616/336-6538

October 31, 1994

TELECOPY

Ms. Linda Beasley
Enforcement Specialist
United States Environmental
Protection Agency
Region V
Emergency Support Section (HSE-5J)
77 West Jackson Boulevard
Chicago, IL 60604

Re: U.S. EPA v. Conservation Chemical Company of Illinois (CCCI), et al.
(Gary, Indiana)

Dear Ms. Beasley:

This is a preliminary response to the "General Notice of Potential Liability" dated September 28, 1994, with regard to the above-referenced "Superfund" proceedings on behalf of American Chain & Cable Company as one of the identified PRPs. We only just received that Notice this past Friday, October 28, and would appreciate your mailing list being corrected to direct any and all further correspondence and communications in this matter to American Chain & Cable Company in care of me as legal counsel for this PRP at the above address.

Preliminarily, American Chain & Cable Company is willing to discuss an amicable resolution of this dispute, but is proceeding in such negotiations without any admission of liability or responsibility and with a full reservation of all claims, rights, and defenses as to U.S. EPA, IDEM, other PRPs, and third-parties. We note on behalf of this PRP that there are substantial questions as to causation and divisibility of harm, and that much of the work detailed by the General Notice would appear to have no relationship to the materials allegedly sent to the CCCI site from American Chain & Cable Company. We also question whether or not there is any "imminent and substantial endangerment" currently posed by the site as would be necessary to support the issuance of a CERCLA §106 Order as referenced by the General Notice letter.

We have in the past participated with other identified PRPs for this site to address the environmental conditions at the site, under a reservation of rights, to the apparent satisfaction of U.S. EPA. We again are willing to explore the possibilities for a PRP group response to this General Notice, and will therefore be in attendance at the "kick-off"

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ATTORNEYS AT LAW

Ms. Linda Beasley

October 31, 1994

Page 2

meeting set by the Agency for Thursday, November 10 in Chicago. We would appreciate at that time having available for us any and all documentation allegedly connecting American Chain & Cable Company with the CCCI site in Gary, Indiana, and you may consider this a request for such information pursuant to the Freedom of Information Act (FOIA) and your Agency's implementing regulations, if necessary. We would also be interested in knowing the status of whatever financial assurance or other resources of the owners/operators might be available to contribute to the response activities being required by U.S. EPA, and would expect the Agency personnel in attendance at the November 10 meeting to be prepared to provide detailed information on this subject.

As noted above, any and all further communications to American Chain & Cable Company in this matter should be directed to the undersigned as legal counsel for this PRP.

Very truly yours,

VARNUM, RIDDERING, SCHMIDT & HOWLETT



Charles M. Denton

/njh

c: Robert Miller, Esq.
Richard C. Karl, EERB
Cynthia N. Kawakami, ORC
U.S. EPA Region V FOIA Officer
Clifton A. Lake, Esq.

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